**XRN4850 - Notification of Customer Contact Details to Transporters**

**Consent to Transfer Data outside of the EEA**

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| **Prepared by:** | Surfaraz Tambe |
| **Submitted for:** | Approval |
| **Decision details:** | CoMC is requested to provide consent as data controllers for data to be transferred to the US. |
| **Date:** | 15th July 2020 |

1. **Introduction and background**

Suppliers are obliged under SPAA Schedule 42 to provide Customer Contact Data to its Shipper who will in turn submit the data to CDSP.

Under SPAA Schedule 42, the Supplier shall ensure that it has the relevant lawful basis to submit the data in accordance with its data protection policies.

Schedule 42 places an obligation on each of the Transporters (DNOs and iGTs) to ensure that any transfer of Customer Contact Data outside of the EEA is subject to sufficient controls required by law.

**Suppliers will need to be notified to make sure that they review their Privacy Notices to reflect this arrangement. How do you want this to happen: either a) CDSP ask SPAA and ICoSS to notify all Suppliers; or b) Shippers instruct their Suppliers?**

Under SPAA, Transporters are authorised to use agreed Customer Contact Data to proactively communicate information to end consumers, relating to their gas supply, in set of specific circumstances. The customer contact information is provided by Shippers to Xoserve as part of the CNC and CNF file. The instruction to Xoserve to communicate to the end consumer will be provided by the Transporters.

As part of **XRN4850** **- Notification of Customer Contact Details to Transporter**, the solution delivers the mechanism for Transporters to communicate with end consumers in an agreed set of circumstances. There are two proposed functions to allow Transporters to communicate with Customers. These are:

1. ‘Broadcast’ function

This allows Transporters to instruct the CDSP to send a communication (email or SMS) to a defined set of end consumers. The end consumers can be defined by address.

1. ‘Extract’ function

This allows Transporters to access end consumer details on a single MPRN basis via the UK Link Portal to communicate to the selected Customer.

Transporters are authorised to use Customer Contact Data in the event of any of the following 5 Use Cases:

1. Unplanned Interruptions
2. Planned interruptions
3. Gas Safety Regs Cut-off
4. Contact for Multiple Occupancy Building
5. Payment of Guaranteed Standard of Performance Payment
6. **Arrangement with Twilio**

Whenever, a ‘broadcast’ request is received from the Transporters, the end consumer name, communication details and mode of communication will be retrieved based on post code, street name etc. This information will be sent to a third party service provider via secure FTP communication medium for further processing. The third party SMS and Email service provider is Twilio. Twilio is based in the USA and for the purposes of the agreement will be a sub processor.

To clarify personal data that will be transferred:

Full name (including title)

Email address

Mobile phone number

A Data Protection Impact Assessment (DPIA) has been completed by Xoserve, including a thorough Security Assessment and Commercial due diligence.

Xoserve can confirm that Twilio is fully compliant with the Privacy Shield (USA). The European Commission has confirmed Privacy Shield provides adequate protection to personal data transferred to the US. In the event that there are instances of non-compliance with the US certification program or the EU Act, jurisdiction will be subject to the applicable jurisdiction specified in the terms of the agreement and the relevant law.

The Master Service Agreement (MSA) we have in place with Twilio contains a ***Data Protection Addendum***.

The MSA overall is governed and interpreted by the laws of **England and Wales**.

Please note Twilio will not be holding any customer contact information, once received and the broadcast issued, the information is immediately deleted by Twilio, with data logs being redacted.

1. **CoMC determinations**

The UK Link June 2020 Major Release was implemented on 27th June 2020. XRN4850 – Notice of Customer Contact Details to Transporters, was delivered as part of the release, which means we were now able to implement the functionality to send information onto Twilio to issue out broadcast email and/or SMS messaging.

During final due diligence checks it was ascertained that no formal notification or approval had been gained from customers accepting that personal data will be transferred outside of the EEU to the USA, where the third party supplier is based.

This means at present the Change implementation has only allowed the functionality for Shippers to begin populating the End Consumer Contact details, and the broadcast functionality for Transporters is disabled until it has been approved by CoMC.

To satisfy the requirements under the DSC, the data controller must provide consent to any personal data that is being transferred outside of the EEA. As controllers of the data that is being shared with Twilio, CoMC is requested to provide consent for the personal data listed above to be transferred outside of the EEA, to the US.

Once necessary approval has been received, the functionality can be set live.

If you have any questions or concerns, please contact either:

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